



City of Marietta

205 Lawrence Street
Post Office Box 609
Marietta, Georgia 30061

Meeting Minutes PLANNING COMMISSION

Bob Kinney - Chairman
Cheryl Richardson, Ward 1
Jason Allen Waters, Ward 2
Vacant, Ward 3
John Schupp, Ward 4
Vacant, Ward 5
Stephen Diffley, Ward 7

Tuesday, June 4, 2013

6:00 PM

City Hall Council Chambers

Present: Jason Allen Waters, Stephen Diffley, R. W. "Bob" Kinney, Cheryl Richardson

Absent: John J. Schupp

Staff:

Brian Binzer, Development Services Director
Rusty Roth, Development Services Manager
Patsy Bryan, Secretary to the Board
Kyethea Clark, Urban Planner
Steve Crane, City Attorney

CALL TO ORDER & ROLL CALL:

Chairman Kinney called the Tuesday, June 4, 2013 Planning Commission Meeting to order at 6:00 p.m.

MINUTES:

20130522

May 2, 2013 Regular Planning Commission Meeting Minutes

Review and Approval of the May 2, 2013 Regular Planning Commission Meeting Minutes

Mr. Diffley, seconded by Ms. Richardson, moved to accept the May 2, 2013 Planning Commission Meeting Minutes, as submitted. The motion carried 3 – 0 – 1 with Mr. Waters abstaining.

A motion was made by Stephen Diffley, seconded by Cheryl Richardson, that this matter be Approved and Finalized. The motion carried by the following vote: 3 – 0 – 1.

Absent: 1 - Schupp

REZONINGS:**20130390****Z2013-16 Ray L. Beaty 925 Industrial Park Drive**

Z2013-16 [SPECIAL LAND USE PERMIT] RAY L. BEATY requests a Special Land Use Permit for a computer and electronics recycling facility for property located in Land Lot 09990, District 16, Parcel 0260, 2nd Section, Marietta, Cobb County, Georgia and being known as 925 Industrial Park Drive, currently zoned HI (Heavy Industrial). Ward 5.

File #20130390 (Z2013-16) was presented by Mr. Roth for property located in Land Lot 09990, District 16, Parcel 0260 and being known as 925 Industrial Park Drive and currently zoned HI (Heavy Industrial).

A public hearing was held.

The petitioner, Ray L. Beaty, is requesting a Special Land use Permit for a computer and electronics recycling facility.

Mr. Beaty read a statement from the property owner, Mr. Nejad. In his letter, he stated that the facility has been used as an electronics recycling site for fifteen (15) plus years. The E-scrap recycling sign on Cobb Parkway indicates the official drop-off place for electronics recycling and is being expanded to accommodate glass recycling. Mr. Beaty stated that he is willing to modify the size of plans in order to meet code, restrictions, or setbacks.

Earl Smith, owner of E. Smith Heating and Air Conditioning, spoke of difficulties in the past with this particular piece of property. Mr. Smith owns 954 Industrial Park Drive, 964 Industrial Park Drive and 972 Industrial Park Drive.

In the past, there was a good deal of outside storage including bales of cardboard visible from Mr. Smith's property which sits 5' to 10' higher in elevation.

Mr. Smith also mentioned flooding and drainage problems.

Although Mr. Smith is opposed to approving the variance, he specifically asked that strong stipulations be applied and no outside storage allowed. Mr. Smith also asked that future complaints be addressed in a timely manner.

Mr. Beaty is aware of the flooding issues, the idea of a retention pond and is agreeable to not having outside storage.

Mr. Waters questioned owners being out of state and management of property.

Mr. Diffley addressed issues concerning type of vehicles used for hauling recycled material, turning radius, and loading dock accommodations.

Chairman Kinney asked Mr. Roth if he could speak to code enforcement if outside storage occurs. Mr. Roth explained that regulations require outside storage be behind an opaque fence and at least 8' tall. Unless a stipulation to keep all materials inside is granted, outside storage is allowed if behind a fence and in the rear of property. Code Enforcement can address the orderliness of the property but not the materials stored.

Mr. Waters and Mr. Roth discussed fence heights based on different types of topography.

The public hearing was closed.

Mr. Diffley made a motion, seconded by Mr. Waters, to recommend to City Council approval of the Special Land Use Application and the variance to reduce the required front yard setback from 50' to 33' feet with the stipulation that there be no outside storage. The motion carried 4 – 0 – 0.

A motion was made by Stephen Diffley, seconded by Jason Allen Waters that this matter be Recommended for Approval as Stipulated. The motion carried by the following vote: 4 – 0 – 0.

Absent: 1 - Schupp

20130466

Z2013-17 Kevin Seifert 181 and 197 Lakewood Drive

Z2013-17 [REZONING] KEVIN SEIFERT requests rezoning for property located in Land Lot 12880, District 16, Parcel 0770 and 0920, 2nd Section, Marietta, Cobb County, Georgia and being known as 181 & 197 Lakewood Drive from RA-6 (Single Family Residential-Attached) to PRD-MF (Planned Residential Development Multi-Family). Ward 1.

File #20130466 (Z2013-17) was presented by Mr. Roth for property located in Land Lot 12880, District 16, and being known as 181 Lakewood Drive (Parcels 0770) and 197 Lakewood Drive (Parcel 0920).

A public hearing was held.

The applicant, Kevin Seifert, is requesting a rezoning from RA-6 (Single Family Residential –Attached) to PRD-MF (Planned Residential Development – Multi Family) in order to integrate two parcels into the overall plans for the residential Manget development.

Mr. Seifert explained that these two parcels are not zoned the same as other lots in the master plan for the Manget development.

There was no one in support or in opposition to this request.

Chairman Kinney and Mr. Seifert discussed the time frame involved from the beginning of construction to first occupancy.

The public hearing was closed.

Ms. Richardson made a motion, seconded by Mr. Diffley, to approve the rezoning from RA-6 (Single Family Residential—Attached) to PRD-MF (Planned Residential Development Multi-Family) and to include stipulations 1- 6 set forth on page 9 of the staff analysis provided by the Planning and Zoning Department and as listed below:

1. The property will be posted and advertised at least 15 days prior to consideration of the detailed plan by the Mayor and City Council.

2. A mandatory homeowners association shall be created for the entire development.
3. A maximum of five percent (5%) of the townhomes and condominiums shall be rental units at any one time for a period of one year. This stipulation shall also be included as a deed restriction and included on the plat.
4. There shall be no apartments in the development.
5. All roads shall meet city standards with any changes presented for approval at the time the detailed plan is presented for approval.
6. The architecture shall be presented for review at the time the detailed plan is presented for approval.

The motion carried 4 – 0 – 0.

A motion was made by Cheryl Richardson, seconded by Stephen Diffley that this matter be Recommended for Approval as Stipulated. The motion carried by the following vote: 4 – 0 – 0.

Absent: 1 - Schupp

OTHER BUSINESS:

20130326

CA2013-06 Amendment to the Comprehensive Development Code regarding Section 712.05 AICUZ (Air Installation Compatible Use Zone) Overlay District

CA2013-06 [CODE AMENDMENT] Proposal to amend the Comprehensive Development Code of the City of Marietta, Section 712.05 AICUZ (Air Installation Compatible Use Zone) Overlay District

File #20130326 (CA2013-06) was presented by Mr. Roth for changes to the AICUZ (Air Installation Compatible Use Zone) Overlay District.

A public hearing was held.

Mr. Roth presented CA2013-06 regarding the proposed Comprehensive Development Code Amendment to the AICUZ (Air Installation Compatible Use Zone) Overlay District. As Mr. Roth explained, city staff and Dobbins Air Reserve staff have worked together to make changes to our code regarding a study completed in 2011 by the Air Reserve Command where the following changes were identified that need to be made to the zoning ordinances and other documents.

1. *The first change is to increase the width of the Clear Zone (CZ) – the area of the flight path nearest to the runway – from 2,000 ft. to 3,000 ft.*
2. *Clarify the applicability of regulations to ensure that properties located within the AICUZ Overlay District that were developed prior to the adoption of this ordinance are considered “grandfathered”, or legally nonconforming.*
3. *Clarify the definition of “development”, for the purposes of this ordinance, as:*
 - a. *The construction, reconstruction, structural alteration, relocation, or enlargement of any buildings:*
 - b. *Any clearing, grading, or other movement of land for which permission is required.*
4. *Establish recommended land uses for new developments based upon the Air Installation Compatible Use Zone Study for Dobbins Air Reserve Base,*

There are also issues related to noise and uses in each of the zones related to noise. Mr. Richard Crimm from Dobbins was present to answer any questions.

There was no one in opposition to this request.

Mr. Richard Crimm with Dobbins Air Reserve Base spoke in favor of this request.

Further discussion continued about compensation to property owners for loss of property and any compensation would be based on each individual situation.

Mr. Diffley clarified the grandfather status and Mr. Roth explained that the use of property goes with the property and not the owner.

The public hearing was closed.

Mr. Waters made a motion, seconded by Mr. Diffley, to adopt the modifications to the AICUZ (Air Installation Compatible Use Zone) Overlay District.

The motion carried 4 – 0 – 0.

A motion was made by Jason Allen Waters, seconded by Stephen Diffley that this matter be Recommended for Approval. The motion carried by the following vote: 4 – 0 – 0.

Absent: 1 - Schupp

ADJOURNMENT:

Mr. Kinney made a motion to adjourn, seconded by Mr. Waters. The June 4, 2013 Planning Commission Meeting adjourned at 6:40 p.m.

ROBERT W. KINNEY, CHAIRMAN

PATSY BRYAN, SECRETARY